

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

FILED BY CLERK

JUNE 28 2007

COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,

Appellee,

v.

MIGUEL MEJIAS MONDESI,

Appellant.

2 CA-CR 2006-0400
DEPARTMENT A

MEMORANDUM DECISION

Not for Publication
Rule 111, Rules of
the Supreme Court

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20060475

Honorable Frank Dawley, Judge Pro Tempore

AFFIRMED

Harriette P. Levitt

Tucson
Attorney for Appellant

H O W A R D, Presiding Judge.

¶1 Appellant Miguel Mejias Mondesi was convicted after a jury trial of second-degree burglary. The state alleged Mondesi had eight historical prior felony convictions, and Mondesi admitted having two convictions. The trial court sentenced Mondesi to an enhanced, mitigated prison term of ten years. Mondesi appealed, and his counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967); *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969); and *State v. Clark*, 196

Ariz. 530, 2 P.3d 89 (App. 1999), stating she has not found an arguable issue to raise on appeal. Mondesi has not filed a supplemental brief.

¶2 We have reviewed the entire record for fundamental error in accordance with our obligation under *Anders*. We have found no error that may be characterized as fundamental. The evidence, viewed in the light most favorable to sustaining the verdict, *see State v. Atwood*, 171 Ariz. 576, 596, 832 P.2d 593, 613 (1992), was such that reasonable jurors could find that Mondesi had entered or remained in the victim's home without permission for the purpose of committing a theft therein, *see* A.R.S. § 13-1507. To the extent there was conflicting evidence, it was for the jury to resolve the conflicts. *See State v. Manzanedo*, 210 Ariz. 292, ¶3, 110 P.3d 1026, 1027 (App. 2005) (jury resolves conflicts in evidence). In that regard, the jury was free to reject Mondesi's explanations to the officer and at trial that he believed he had permission to enter the victim's home and remain there. Specifically, the jury was not required to and apparently did not believe Mondesi's protestations that his companions had left him with the impression that they had authority to enter the home.

¶3 Furthermore, we see no error in the court's imposition of the mitigated prison term. We therefore affirm the conviction and the sentence imposed.

JOSEPH W. HOWARD, Presiding Judge

CONCURRING:

JOHN PELANDER, Chief Judge

GARYE L. VÁSQUEZ, Judge